

HOUSE BILL 38
By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5,
relative to health care cost disclosure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, is amended by adding
Sections 2 through 6 below as a new, appropriately designated part thereto:

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "Applicant" means any person who is an applicant for health care benefits
under any public program funded in whole or in part by this state, including TennCare or
any other Medicaid program or children's health insurance program. Applicant includes
any person who is applying for a redetermination or confirmation of eligibility for benefits
that the person is already receiving from a state-funded public health care program.
Applicant also includes a person who is an adult person not personally eligible for a
given program, but who is applying on behalf of a dependent for whom the person is
legally responsible.

SECTION 3. Every applicant, at the time of application for state-funded public health
care benefits, shall be required to identify the applicant's employer or employers, or the
employer or employers of the proposed beneficiary of the health care, if not the applicant. In the
event that the applicant is not employed, then the applicant shall identify every adult who is
legally responsible for providing some or all of the health care recipient's support and the
employer or employers of those persons. The employer information shall be updated upon
every confirmation or redetermination of eligibility in a state-funded public health care program,
preferably on an annual basis but no less regularly than as required by each program to confirm
continuing eligibility for services.

SECTION 4. On or before February 15 of each year, the department of finance and administration shall transmit to the general assembly a report identifying those employers who were reported in the previous calendar year pursuant to subsection (b) above and who employ twenty-five (25) or more persons who are state-funded public health care program beneficiaries. In determining whether the twenty-five (25) person threshold is met, the department shall include all state-funded public health program beneficiaries who are employed by the employer as well as by all of its subsidiaries at all locations within the state. The report shall include each employer's name and the name of any appropriate subsidiaries, the locations of each, and the total number of its employees who were reported in the previous calendar year as having applied and been accepted as eligible for, or been reconfirmed as eligible for, state-funded public health care benefits. The report shall also include the total cost to the state of providing health care for the employees and enrolled dependents of each employer named in the report.

SECTION 5. The report shall not include the names or any identifying information of any individual program beneficiary and shall comply with any applicable requirements of the federal Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated pursuant thereto.

SECTION 6. The report shall be a public record and the department shall make the report available to the public in any reasonable manner determined by the department in accordance with applicable public records requirements.

SECTION 7. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 8. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2006, the public welfare requiring it.